



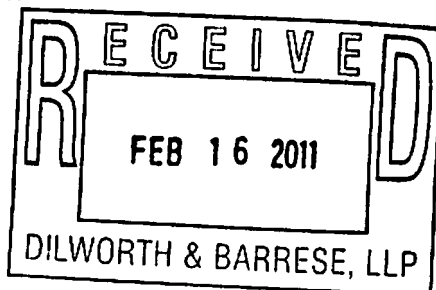
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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10 584,024	04/30/2008	Valerie Frankard	1187-31	4438

28249 /590 02/14/2011

DILWORTH & BARRESE, LLP
1000 WOODBURY ROAD
SUITE 405
WOODBURY, NY 11797



EXAMINER

COLLINS, CYNTHIA E

ART UNIT PAPER NUMBER

1638

MAIL DATE DELIVERY MODE

02/14/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

del
314
(10)

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APPLICATION NO. /CONTROL NO. 10584024	FILING DATE 4/30/2008	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION FRANKARD ET AL.	ATTORNEY DOCKET NO. 1187-31
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EXAMINER Cynthia Collins

ART UNIT 1638	PAPER 20110204
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

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Any inquiry concerning this communication should be directed to Cynthia Collins at telephone number (571) 272-0794. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg, can be reached on (571)-272-0975

/Cynthia Collins/
Primary Examiner, Art Unit 1638

=====

Sequence Listing could not be accepted due to errors.

See attached Validation Report.

If you need help call the Patent Electronic Business Center at (866)
217-9197 (toll free).

Reviewer: Anne Corrigan

Timestamp: [year=2010; month=12; day=14; hr=7; min=32; sec=9; ms=100;]

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Reviewer Comments:

<210> 6

<211> 11

<212> PRT

<213> Unknown

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<220>

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<223> Xaa at position 6 may be Ser or Ala

<220>

<221> misc_feature

<222> 7

<223> Xaa at position 7 may be Asp or Glu

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<221> misc_feature

<222> 8

<223> Xaa at position 8 may be Asp or Glu

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<222> 10

<223> Xaa at positon 10 may be Lys, Arg or Thr

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Trp Leu Xaa Glu Val Xaa Xaa Xaa Tyr Xaa Leu

Several errors above: the "<213> Unknown" requires an explanation in a "<220>-<223>" section under it; although the "<213>" response is "Unknown", please try to indicate the source of the genetic material ("Unknown" would not be a sufficient explanation). Please number the amino acids under every 5 amino acids, beginning with "1"; do not use TAB codes between amino acid numbers. TABs cause misaligned numbers. Same errors in Sequence 7.

<210> 8

<211> 15

<212> PRT

<213> Arabidopsis thaliana

<220>

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Trp Leu Val Glu Val Ser Glu Glu Tyr Lys Leu Val Ser Asp Thr

Please number the above amino acids; please remove the "<220>", since no <221>, <222>, or <223> is shown. Same errors in Sequences 9-31.

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Glu Leu Ser Met Leu Asp Tyr Gln Ser Val Lys Phe Leu Pro ser

Please: 1) remove the <220>; 2) number the amino acids; 3) replace "ser" at location 15 with "Ser"

Application No: 10584024

Version No: 2.0

Input Set:

Output Set:

Started: 2010-12-03 12:58:28.054

Finished: 2010-12-03 12:58:29.111

Elapsed: 0 hr(s) 0 min(s) 1 sec(s) 57 ms

Total Warnings: 6

Total Errors: 3

No. of SeqIDs Defined: 31

Actual SeqID Count: 31

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W 213	Artificial or Unknown found in <213> in SEQ ID (5)
W 213	Artificial or Unknown found in <213> in SEQ ID (6)
E 224	<220>,<223> section required as <213> has Artificial sequence or Unknown in SEQID (6)
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SEQUENCE LISTING

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<120> Plants having increased yield and method for making the same

<130> CD-106-PCT

<140> 10584024

<141> 2010-12-03

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gtatcaatac ctccaacaaa accttctttt aaacagcaaa agagacgtgc agtacttaag	180
gatgtgagta atacctctgc agatattatt tattcagaac ttcgaaaggg aggcaacatc	240
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gccatggata ttctggtaga tatgcataca gaaaaatcaa aattagcaga agatttgtcc	360
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tccaacgtcg aagatccaca gtgttcgagc ttgtatgctg ctgatatata tgacaacata	540
catgttgtag agcttcaaca acgacccttg gctaattata tggagcttgt gcagcgagat	600
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gcccgatgga cactcgacca aactgaccat ccttggaacc ctactctgca acactacacc     1140
agatatgagg tagctgagct gaagaacaca gttctcgcca tggaggactt gcagctcaac     1200
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Ala Lys Lys Ala Met Gly Arg Gly Val Ser Ile Pro Pro Thr Lys Pro
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Ser Phe Lys Gln Gln Lys Arg Arg Ala Val Leu Lys Asp Val Ser Asn
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Thr Ser Ala Asp Ile Ile Tyr Ser Glu Leu Arg Lys Gly Gly Asn Ile
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Lys Ala Asn Arg Lys Cys Leu Lys Glu Pro Lys Lys Ala Ala Lys Glu
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Ser Lys Leu Ala Glu Asp Leu Ser Lys Ile Arg Met Ala Glu Ala Gln
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Asp Val Ser Leu Ser Asn Phe Lys Asp Glu Glu Ile Thr Glu Gln Gln
130 135 140

Glu Asp Gly Ser Gly Val Met Glu Leu Leu Gln Val Val Asp Ile Asp
145 150 155 160

Ser Asn Val Glu Asp Pro Gln Cys Cys Ser Leu Tyr Ala Ala Asp Ile
165 170 175

Tyr Asp Asn Ile His Val Ala Glu Leu Gln Gln Arg Pro Leu Ala Asn
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Tyr Met Glu Leu Val Gln Arg Asp Ile Asp Pro Asp Met Arg Lys Ile
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210 215 220

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Met Glu Ile Gln Ile Leu Asn Phe Val His Phe Arg Leu Ser Val Pro
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Ala Glu Leu Lys Asn Thr Val Leu Ala Met Glu Asp Leu Gln Leu Asn
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Thr Ser Gly Cys Thr Leu Ala Ala Thr Arg Glu Lys Tyr Asn Gln Pro
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Application Number: 10584024